REMARKS

Initially the Applicants would like to thank Examiner Shan for the discussion concerning this patent application. The amendments and remarks presented herein are consistent with that discussion.

The Non-Final Office Action mailed January 26, 2009, considered and rejected claims 1, 2, 5, 8, 11, 14 and 19. Claims 11, 14 and 19 were objected to because of informalities. Claims 1-2, 5, 8 and 19 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Bowe et al., U.S. Publ. No. 2003/0093678 (filed Apr. 23, 2001) (hereinafter Bowe), in view of Jackson, et al., U.S. Patent No. 7,116,782 (filed Sep. 7, 2001) (hereinafter Jackson).[1]

By this response, claims 1, 5, 8, 11, 14, and 19 are amended and claim 2 is cancelled.[2] Claims 1, 5, 8, 11, 14, and 19 remain pending. Claims 1 and 19 are independent claims which remain at issue. Support for the amendments may be found within Specification pp. 4–5 and 16–18.[3]

Claims 11, 14, and 19 were objected to for minor grammatical inconsistencies.[4] Each of the claims have now been amended as appropriate to cure the objections. In view of the amendments, the Applicants respectfully request the objections be withdrawn.

In view of the previously submitted amendments, the Office Action of January 26, 2009 cited a new basis of rejection for the pending independent claims 1 and 19 relying on references Bowe and Jackson.[5] As discussed, the combination of Bowe and Jackson fails to teach or suggest all the limitations of the claims as they are now presented. As discussed, Bowe and Jackson fail to teach or suggest the particular computation of the first and second digests by the client and the particular communication of the first and second digests from the client to the server for initial signature computation and for later verification.

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[1] Although the prior art status of the cited art is not being challenged at this time, Applicant reserves the right to challenge the prior art status of the cited art at any appropriate time, should it arise. Accordingly, any arguments and amendments made herein should not be construed as acquiescing to any prior art status of the cited art.

[2] The amendments and remarks presented herein are consistent with the information presented by telephone by patent attorney Thomas Bonacci (reg. no. 63,368).

[3] However, it should be noted that the present invention and claims as recited take support from the entire Specification. As such, no particular part of the Specification should be considered separately from the entirety of the Specification.

[4] Office Communication p. 3 (paper no. 20090117, Jan. 26, 2009).

[5] Office Comm. p. 2 (citing new grounds of rejection); Office Comm. pp. 3–7 (discussing Bowe and Jackson).

In particular, Bowe and Jackson fail to teach or suggest that the client comput[es] a first digest from the data. Bowe and Jackson also fail to teach or suggest the client sending the first digest to a server for signature computation. Bowe and Jackson also fail to teach or suggest the server . . . computing a signature for the first digest by utilizing a secure signing algorithm and a key, with the key known only by the server and available for use only by the server.

Bowe and Jackson also fail to teach or suggest before the stored data being subsequently used by the client, the client computing a second digest from the stored data. Bowe and Jackson also fail to teach or suggest the client sending both the second digest and the previously stored signature to the server to verify that the stored data has not been changed. Bowe and Jackson also fail to teach or suggest the server receiving both the second digest and the previously stored signature. Bowe and Jackson also fail to teach or suggest the server generating a temporary signature of the second digest by utilizing the secure signing algorithm and the key known only by the server and available for use only by the server.

Because of the distinctions noted, *inter alia*, the Applicants submit that the prior art, considered both separately and in combination, fails to teach all the limitations of claim 1 as now presented and therefore a rejection under 35 U.S.C. § 103 would be improper and should be withdrawn. Accordingly, the Applicants respectfully request favorable reconsideration of claim 1 (as well as the respective dependent claims).

As independent claim 19 recites a computer program product which incorporates the limitations of the method of claim 1, the above discussion applies also to claim 19. Correspondingly, the Applicants submit that the prior art, considered both separately and in combination, fails to teach all the limitations of claim 19 as now presented and therefore a rejection under 35 U.S.C. § 103 would be improper and should be withdrawn. Accordingly, the Applicants respectfully request favorable reconsideration of claim 19.

In view of the foregoing, Applicant respectfully submits that the other rejections to the claims are now moot and do not, therefore, need to be addressed individually at this time. It will be appreciated, however, that this should not be construed as Applicant acquiescing to any of the purported teachings or assertions made in the last action regarding the cited art or the pending application, including any official notice. Instead, Applicant reserves the right to challenge any of the purported teachings or assertions made in the last action at any appropriate time in the future, should the need arise. Furthermore, to the extent that the Examiner has relied on any

Official Notice, explicitly or implicitly, Applicant specifically requests that the Examiner provide references supporting the teachings officially noticed, as well as the required motivation or suggestion to combine the relied upon notice with the other art of record.

In the event that the Examiner finds remaining impediment to a prompt allowance of this application that may be clarified through a telephone interview, the Examiner is requested to contact the undersigned attorney at (801) 533-9800.

Dated this 24th day of April, 2009.

Respectfully submitted,
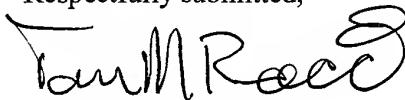
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